

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHOEL KHAYTIN,

Plaintiff,

Docket No. 12-CV-4169

-against-

NOTICE OF MOTION

-against-

STERN & STERN ESQS.

Defendant.
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PLEASE TAKE NOTICE that upon the annexed Declaration of David Lyle Stern dated August 28, 2012, and Declaration of David Sputz, dated August 28, 2012, together with the exhibits annexed thereto and upon all prior pleadings and proceedings had herein, STERN & STERN ESQS. will move this court to dismiss the within Complaint under Rule 12(b) (6) of the Federal Rules of Civil Procedures for failure to state a cause of action and for lack of subject matter jurisdiction, the United States District Court for the Eastern District, located at 225 Cadman Plaza East, Brooklyn, New York, 11201 at a date and time convenient to the Court for an Order

- a) granting Defendant's Motion to Dismiss Plaintiff's Complaint for failure to state a claim upon which relief can be granted under FRCP 12(b) (6) against the moving Defendants and for lack of subject matter jurisdiction:
- b) awarding Defendant such other and further relief as this court may deem just proper and equitable.

Dated: Brooklyn, New York
August 28, 2012

Yours etc.

STERN & STERN, ESQS.
Defendant, Pro Se
50 Court Street, Suite 1100
Brooklyn, New York 11201
(718) 935-9458

ORDER

Since a notice of appearance was filed on defendant Stern & Stern Esqs's behalf by a member of the firm on September 10, 2012, defendant is not proceeding *pro se*. Accordingly, this motion is construed as a pre-motion conference request pursuant to Section III.A of this Court's Individual Motion Practices & Rules (available at <https://www.nyed.uscourts.gov/pub/rules/SLT-MLR>). Plaintiff is directed to respond to this pre-motion conference in the manner required by Section III.A on or before September 18, 2012.

SO ORDERED:

s/ SLT

/U.S.D.J.

9/11/12